

1 Gerald Singleton, State Bar No. 208783
2 Brody A. McBride, State Bar No. 270852
3 Trenton G. Lamere, State Bar No. 272760
4 SINGLETON LAW FIRM, APC
5 115 W. Plaza Street
6 Solana Beach, Ca 92075-1123
7 Telephone: (760) 697-1330
8 Fax: (760) 697-1329
9 E-Mail: Brody@SLFfirm.com
10 *Attorneys for Plaintiff Daniel Manriquez*

11 David E. Weiss, State Bar No. 148147
12 Britt M. Roberts, State Bar No. 284805
13 REED SMITH LLP
14 101 Second Street; Suite 1800
15 San Francisco, CA 94105-3659
16 Telephone: (415) 543-4873
17 Fax: (415) 391-8269
18 E-mail: broberts@reedsmith.com
19 *Attorneys for Plaintiff Daniel Cisneros*

20 Xavier Becerra, State Bar No. 118517
21 Jay C. Russell, State Bar No. 122626
22 Neculai Grecea, State Bar No. 307570
23 Preeti K. Bajwa, State Bar No. 232484
24 CAL. ATTORNEY GENERAL'S OFFICE
25 1515 Clay St., 20th Floor
26 Oakland, CA 94612
27 Telephone: (510) 879-0980
28 Fax: (510) 622-2700
E-mail: Preeti.Bajwa@doj.ca.gov
*Attorneys for Defendants S. Cupp, J. Cuske,
D. Melton, K. Ohland, J. Vangilder, and J.
Vasquez*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

DANIEL MANRIQUEZ,

Plaintiff,

vs.

VANGILDER et al.,

Defendants,

Case No. 4:16-cv-1320-HSG
Related Case No. 4:16-cv-0735-HSG

**REVISED STIPULATION AND ORDER TO
CONTINUE TRIAL DATE AND SET
SETTLEMENT CONFERENCE**

Judge: Hon. Haywood S. Gilliam, Jr.
Courtroom: 2
Trial Date: January 14, 2019

1 And Related Case,
2 DANIEL CISNEROS,
3 Plaintiff,
4 vs.
5 VANGILDER et al.,
6 Defendants.

7
8 **STIPULATION**

9 Trial in this case is currently set for January 14, 2019. (ECF No. 82.)

10 On November 8, 2018, the Court heard argument on Defendants' Motion for Summary
11 Judgment ("MSJ") (ECF Nos. 94), after which the Court took Defendants' MSJ under submission
12 (ECF No. 105). At the hearing on Defendants' MSJ, the Court indicated at least some of Plaintiffs'
13 claims would survive summary judgment, and that the parties should consider ADR options, including
14 seeking a settlement conference before the magistrate judge assigned to these cases.

15 If the parties are to meaningfully participate in further ADR efforts, a few things would be
16 helpful. First, it would be helpful to have a ruling on Defendants' MSJ, so the parties can assess the
17 strengths and weaknesses of their cases through an objective lens. A ruling on Defendants' MSJ will
18 also help the parties identify any interlocutory-appeal issues that might arise from the Court's
19 qualified-immunity determination.

20 Second, it would be helpful if the parties could focus on ADR efforts at this time, without
21 expending time and resources on pretrial preparations that might be wasted. Pursuant to the Court's
22 Civil Pretrial & Trial Standing Order, the following tasks, among others, must be completed before
23 trial:

24

DATE	EVENT
December 11, 2018	Exchange Complete Set of Proposed Exhibits, Charts, Schedules, etc.
December 18, 2018	File Motions in Limine
	File Proposed Jury Instructions

28

1	December 26, 2018	File Proposed Voir Dire Questions
2		File Proposed Verdict Form
3		File Proposed Statement of Case
4		File Trial Brief
5		File Motion in Limine Oppositions
6		File Joint Pretrial Statement & Proposed Order
7	December 27, 2018	Deliver Trial Binders
8	December 28, 2018	Request Court Reporter
9	January 7, 2019	Deliver Flash Drive of Exhibits
10		File Motion to Allow Technology in Courtroom
11	January 8, 2019	Final Pretrial Conference
12	January 11, 2019	File Form/Table List of Exhibits
13		File Form/Table List of Witnesses

14 Of course, many pretrial preparations will advance settlement, such as compiling exhibit and
15 witness lists, and meeting and conferring with opposing counsel to resolve and narrow issues for trial.
16 And the parties are prepared to undertake these efforts. Other tasks, however, such as motions in
17 limine and compiling trial binders, will not advance settlement efforts and may result in wasted
18 resources if these cases do settle.

19 Finally, while the parties are considering other ADR options, such as mediation, it would be
20 helpful if the Court ordered Magistrate Judge Illman to set a settlement conference in these cases.
21 Indeed, the parties would propose replacing the current trial date with a settlement conference, or
22 holding a settlement conference once the parties have received the Court's ruling on Defendants' MSJ
23 and as Judge Illman's calendar permits. The parties are also discussing private settlement/mediation
24 options.

25 If the settlement efforts are unsuccessful, notwithstanding the Court's availability, based on
26 the availability of counsel and witnesses in this case, the parties propose that trial in these cases be
27 continued to February 18, 2019.

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1 Based on the foregoing, **THE PARTIES HEREBY STIPULATE** there is “good cause” under
2 Federal Rule of Civil Procedure 16(b)(4) to modify the current scheduling order to: (1) set a settlement
3 conference before Magistrate Judge Illman for settlement purposes or for the parties to engage in
4 private mediation; and (2) continue the trial date in these cases until after settlement efforts conclude,
5 specifically to February 18, 2019, if the Court’s calendar permits.

6 DATED: November 28, 2018

s/Brody A. McBride
Brody A. McBride
Singleton Law Firm
Attorney for Plaintiff Daniel Manriquez

8 DATED: November 28, 2018

s/Britt Roberts
Britt Roberts
Reed Smith, LLP
Attorney for Plaintiff Daniel Cisneros

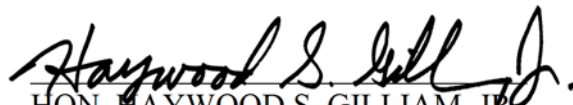
10 DATED: November 28, 2018

s/Preeti K. Bajwa
Preeti K. Bajwa
California Attorney General’s Office
Attorney for Defendants S. Cupp, J. Cuske,
D. Melton, K. Ohland, J. Vangilder, and J.
Vasquez

14
15 **ORDER**

16 Having considered the parties’ stipulation, **IT IS HEREBY ORDERED** that (1) trial in these
17 cases is continued February 19, 2019 at 8:30 a.m.; and (2) Magistrate Judge Illman shall hold a
18 settlement conference in these cases on January 14, 2019, or as soon thereafter as his calendar permits.
19 Alternatively, the parties may engage in private mediation so long as the mediation concludes by
20 January 14, 2019.

21
22 DATED: November 28, 2018


HON. HAYWOOD S. GILLIAM, JR.
U.S. District Judge